

REMARKS

Claims 32-54 are pending in the present application and at issue. Claims 32, 34, 35, 37, 38, 40, 41, 43, 44, 46, 47, 49, 50, 52 and 53 have been amended to address the rejections under 35 U.S.C. 112. The amendments do not have any impact on Applicants' Request for Interference filed November 23, 2001.

It is respectfully submitted that the present amendment presents no new issues or new matter and places this case in condition for allowance. Reconsideration of the application in view of the above amendments and the following remarks is requested.

I. The Objection to Claims 38-43

The Office objected to claims 38-43 because they are duplicates of claims 32-37 for the following reasons:

At the USPTO and in the biotechnology arts the phrase "consisting essentially of" is considered equivalent to "comprising". Therefore claims 38-43 become duplicates of claims 32-37.

This objection is respectfully traversed.

It is well settled that the transition words "consisting essentially of" and "comprising" have independent and distinct meanings. The transition word "comprising" means that the fungal cellulase preparation is open, i.e., it may contain additional elements in addition to the recited elements. The transition word "consisting essentially of" means that the fungal cellulase preparation is open, i.e., it may contain additional elements in addition to the recited elements, but excludes elements that affect the basic and novel characteristics of the fungal cellulase preparation. These definitions apply to all arts, including the biotechnology arts. Applicants therefore submit that this objection has been overcome.

The Office also objected to the abbreviation "CBH" recited in claims 32, 38 and 44. These claims have been amended to recite "cellobiohydrolase", as requested by the Examiner.

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 112. Applicants respectfully request reconsideration and withdrawal of the rejection.

II. The Rejection of Claims 34, 40 and 52 under 35 U.S.C. 112

Claims 34, 40 and 52 are rejected under 35 U.S.C. 112 as being indefinite. Specifically, the Office objected to the term "homogeneous". This rejection is respectfully traversed.

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According to page 555 of Merriam Webster's Collegiate Dictionary, tenth edition (1993), a copy of which is enclosed herewith, the term "homogeneous" means "of the same or similar kind or nature" or "of uniform structure or composition throughout." Thus, in the compositions of the present invention, the fungal cellulase preparation has only one endoglucanase and is free of cellulases.

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 112. Applicants respectfully request reconsideration and withdrawal of the rejection.

III. The Rejection of Claim 50 under 35 U.S.C. 112

Claim 50 is rejected under 35 U.S.C. 112 as being indefinite. Specifically, the Office objected to the phrase "endoglucanase components". This rejection is respectfully traversed.

According to page 236 of Merriam Webster's Collegiate Dictionary, tenth edition (1993), a copy of which is enclosed herewith, the term "component" means "a constituent part: INGREDIENT." Thus, in the compositions of the present invention, an endoglucanase component is an Ingredient of the fungal cellulase preparation. In order to advance prosecution, the term "component" has been deleted.

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 112. Applicants respectfully request reconsideration and withdrawal of the rejection.

IV. The Rejection of Claims 32-54 under the Doctrine of Obviousness-Type Double Patenting

Claims 32-54 are rejected under the doctrine of obviousness-type double patenting as being unpatentable over claim 12 of U.S. Patent No. 5,948,672.


Applicants enclose a Terminal Disclaimer Under 37 CFR 1.321 disclaiming the terminal portion of any patent granted on the above-identified application which would extend beyond the expiration date of the above noted U.S. patent. Applicants, therefore, submit that this rejection has been overcome.

V. Conclusion

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

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Attorney Docket No.: 3469.234-US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rasmussen et al. Confirmation No: 6609

Serial No.: 09/735,787 Group Art Unit: 1652

Filed: December 13, 2000 Examiner: M. Rao

For: A Cellulase Preparation Comprising An Endoglucanase Enzyme

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Sir:

Below is a marked-up version of the amendments made in the accompanying amendment.

IN THE CLAIMS:

Claims 32, 34, 35, 37, 38, 40, 41, 43, 44, 46, 47, 49, 50, 52 and 53 have been amended as follows:

32. A composition comprising:

(A) a detergent effective amount of one or more surfactants; and

(B) from 0.0001 to 2.5 percent by weight, based upon 100 percent by weight of said composition, of a fungal cellulase preparation, said fungal cellulase preparation comprising an endoglucanase, wherein said fungal cellulase preparation is free of cellobiohydrolase (CBH) activity.

34. A composition as defined in claim 32, wherein said fungal cellulase preparation is homogeneous.

35. A composition as defined in claim 32, wherein said fungal cellulase preparation is produced by a genetically modified organism.

37. A composition as defined in claim 32, wherein said endoglucanase component has a CMC-endoase activity of at least about 50 CMC-endoase units/mg of total cellulase.

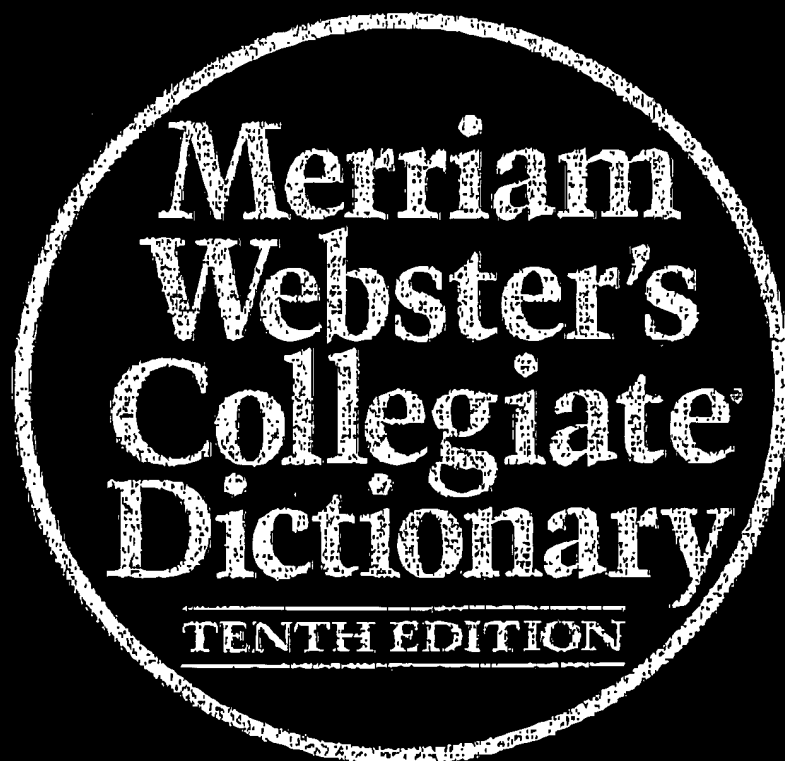
38. A composition comprising:
- (A) a detergent effective amount of one or more surfactants; and
 - (B) from 0.0001 to 2.5 percent by weight, based upon 100 percent by weight of said composition, of a fungal cellulase preparation, said fungal cellulase preparation consisting essentially of an endoglucanase, wherein said fungal cellulase preparation is free of cellobiohydrolase (CBH) activity.
40. A composition as defined in claim 38, wherein said fungal cellulase preparation is homogeneous.
41. A composition as defined in claim 38, wherein said fungal cellulase preparation is produced by a genetically modified organism.
43. A composition as defined in claim 38, wherein said endoglucanase component has a CMC-endoase activity of at least about 50 CMC-endoase units/mg of total cellulase.
44. A composition comprising:
- (A) a detergent effective amount of one or more surfactants; and
 - (B) from 0.0001 to 2.5 percent by weight, based upon 100 percent by weight of said composition, of a fungal cellulase preparation, said fungal cellulase preparation consisting of an endoglucanase, wherein said fungal cellulase preparation is free of cellobiohydrolase (CBH) activity.
46. A composition as defined in claim 44, wherein said fungal cellulase preparation is homogeneous.
47. A composition as defined in claim 44, wherein said fungal cellulase preparation is produced by a genetically modified organism.
49. A composition as defined in claim 44, wherein said endoglucanase component has a CMC-endoase activity of at least about 50 CMC-endoase units/mg of total cellulase.

50. A composition comprising:

- (A) a detergent effective amount of one or more surfactants; and
- (B) from 0.0001 to 2.5 percent by weight, based upon 100 percent by weight of said composition, of a fungal cellulase preparation, said fungal cellulase preparation comprising one or more endoglucanases component; wherein said endoglucanases component has a CMC-endoase activity of at least about 50 CMC-endoase units/mg of total cellulase, wherein said fungal cellulase endoglucanases does not degrade highly crystalline cellulose or cellobiose β -p-nitrophenyl, and wherein said fungal cellulase endoglucanases degrades amorphous cellulose to a mixture comprising cellobiose, cellotriose, and cellotetraose.

52. A composition as defined in claim 50, wherein said fungal cellulase preparation is homogeneous.

53. A composition as defined in claim 50, wherein said fungal cellulase preparation is produced by a genetically modified organism.



[illegible][illegible]

hom-i-noid /'hu-mə-nɔɪd/ n [NL *Hominaldeus* fr. *Homini-* *Homio* + *-oides*, suffix of higher taxa, fr. L *-oides* -oid] (1949) : any of a superfamily (Hominoidea) of primates including recent hominids, gibbons, and pongids together with extinct ancestral and related forms (as of the genera *Proconsul* and *Dryopithecus*) — **hominoid** adj
hom-i-nay /'hu-mə-nəɪ/ n [Virginia Algonquian *-homen*, lit., that treated (in the way specified)] (1829) : kernels of corn that have been soaked in a caustic solution (as of lye) and then washed in order to remove the hulls
hom-i-ny grates *n pl but sing or pl in constr* (1879) : **carrots**
ho-mo /'hə-mə/ n pl **homos** [NL *Homini*, *Homio*, fr. L *hōmō* being — more at **HOMOID**] (1586) : any of a genus (*Homo*) of primate mammals that includes modern humans (*H. sapiens*) and several extinct related species
ho-mo pl **homos** [by shortening] (1929) : **HOMOSEXUAL** — often used disparagingly
ho-mo- = *homo-*
ho-mo-cer-cal /'hə-mə-'tər-kəl/; hā- v adj (1838) 1 of a fish: bill sh : having the upper and lower lobes approximately symmetrical and the vertebral column ending at about the middle of the base 2 : having or relating to a homocercal tail fin
homod- = *homo-*
ho-mo-er-ot-ic /'hə-mə-'tɪ-'tɪk/ adj (1916) : **HOMOSEXUAL** — ho-mo-er-ot-ic-ly /-'tɪ-'tɪ-'zəl/ adv
ho-mo-ga-metic /'hə-mə-'gə-met-ɪk/; hā- v adj (1910) : forming gametes which all have the same type of sex chromosome
ho-mog-a-my /'hə-mə-'gə-mi/ n [G *homogamie*, fr. *homi-* + *-gamie* -gamy] (1897) : the mating of like with like — **homogamous** /-'mə-'dʒ-/ adj
ho-mog-e-nate /'hə-mə-'dʒ-ən-ēɪt/; hə- n (1941) : a product of homogenizing
ho-mog-e-ne-ity /'hə-mə-'dʒ-ən-ē-ē-ti/; hā- also + 'ni- esp Brt, hā- n (1925) 1 : the quality or state of being homogeneous 2 : the state pl having identical distribution functions or values (as a test for ~ of variance) (~ of two statistical populations)
ho-mo-gene-o-us /'hə-mə-'dʒ-ən-ē-əs/; hā- v adj [ML *homogeneous*, *homogenus*, fr. Gk *homogenos*, fr. *hom-* + *genos* kind — more at **KIN**] (1841) 1 : of the same or a similar kind or nature 2 : of uniform structure or composition throughout (as culturally ~ neighborhood) 3 : having the property that if each variable is replaced by a constant times that variable the constant can be factored out : having each term of the same degree if all variables are considered (as ~ equation) — **homogeneously** /-'dʒ-ən-ē-əs/ adv — **homogeneouslyness** n
ho-mog-e-ni-za-tion /'hə-mə-'dʒ-ən-ē-ē-zən/; hā- v [cf. **HOMOGENIZATION**, **HOMOGENIZE**]
ho-mog-e-ni-za-tion /'hə-mə-'dʒ-ən-ē-ē-zən/; hā- v (1908) 1 : the act or process of homogenizing 2 : the quality or state of being homogenized
ho-mog-e-nize /'hə-mə-'dʒ-ən-ē-ē-zən/; hā- v **trans** -izing v, (1886) 1 a : to blend (diverse elements) into a uniform mixture, b : to make homogeneous 2 a : to reduce to small particles of uniform size and distribute evenly into a liquid b : to reduce the particles of so that they are uniformly small and evenly distributed; specif : to break up the fat globules of (milk) into very fine particles — w : to become homogenized — **homogenizable** n
ho-mog-e-nous /'hə-mə-'dʒ-ən-əs/; hā- v adj (1919) 1 : **HOMOPLASTIC** 2 : **HOMODIPLASTIC**
ho-mo-graft /'hə-mə-'græft/; hā- v n (1923) : a graft of tissue taken from a donor of the same species as the recipient — compare **HETEROGRAFT**
ho-mo-graph /'hə-mə-'græf/; hā- n (1873) : one of two or more words spelled alike but different in meaning or derivation or pronunciation (as the bow of a ship, a bow and arrow) — **homograph-ic** /'hə-mə-'græf-ɪk/; hā- v adj
homolo- = *homo-*
ho-mo-lo-gi-ous /'hə-mə-'dʒ-ə-ŋ-ē-əs/; hā- v [cf. **HOMOLOGIZATION**, **HOMOLOGIZE**]
ho-mo-log-ic-al /'hə-mə-'dʒ-ə-ŋ-ē-əl/; hā- v adj (ca. 1847) 1 : **HOMOLOGOUS** 2 : of or relating to topological homology theory (~ algebra)
ho-mo-log-i-cal-ly /-'lɪ-'kəl-ē-ɪ/; hā- v adv
ho-mo-log-ize /'hə-mə-'dʒ-ə-ŋ-ē-zən/; hā- v **trans** -izing v, (1811) 1 : to make homologous 2 : to demonstrate the homology of — **homologize** n
ho-mo-log-ous /'hə-mə-'dʒ-ə-ŋ-ē-əs/; hā- v adj [YK *homologos* agreeing, fr. *hom-* + *-logos* to say — more at **LOGEN**] (1660) 1 a : having the same relative position, value, or structure as (1) : exhibiting biological homology (2) : having the same or allie genes with genetic loci usu, arranged in the same order (~ chromosomes) b : belonging to or consisting of a chemical series whose successive members have a regular difference in composition esp. of one methylene group 2 : derived from or developed in response to organisms of the same species (~ tissue graft)
ho-mo-log-ous or ho-mo-log /'hə-mə-'dʒ-ə-ŋ-ē-əs/; hā- v [cf. **HOMOLOGOUS**, **HOMOLOG**] (as a chemical compound or a chromosome) homologous
ho-mol-o-gy /'hə-mə-'dʒ-ə-ŋ-ē-ɪ/; hā- n pl -gies (ca. 1656) 1 : a similarity, often ascribable to common origin 2 a : (likeness in structure between parts of different organisms due to evolutionary differentiation from the same or a corresponding part of a remote ancestor — compare **ANALOGY** b : correspondence in structure between different parts

1a1 about 1a2 kitchen, 1a3 table 1a4 further 1a5 ash 1a6 ace 1a7 map, map
 1a8 aw, 1a9 chin 1a10 bag 1a11 easy, 1a12 go 1a13 his 1a14 ice 1a15 job
 1a16 sing 1a17 go 1a18 law 1a19 boy 1a20 thin, 1a21 the 1a22 loop 1a23 faint
 1a24 yet 1a25 vision 1a26 k 1a27 a 1a28 in 1a29 as 1a30 Guide to Pronunciation

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